

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

CHRISTOPHER LEE MALLOY MILLER,	§	COMPLAINT FOR DAMAGES and
as an individual,	§	DEMAND FOR JURY TRIAL
	§	
Plaintiff,	§	
	§	
v.	§	
	§	
SAFERENT SOLUTIONS, LLC, A	§	CIVIL ACTION NO. 3:23-cv-1512
FOREIGN CORPORATION	§	
REGISTERED TO DO BUSINESS IN THE	§	
STATE OF TEXAS; and DOES 1 – 10	§	
INCLUSIVE,	§	
	§	
Defendants.	§	

COMPLAINT FOR DAMAGES AND DEMAND FOR JURY TRIAL

Plaintiff CHRISTOPHER LEE MALLOY MILLER (“**Plaintiff**”) files his Complaint for Damages and Demand for a Jury Trial against Defendants SAFERENT SOLUTIONS, LLC, and DOES 1-10 inclusive (collectively, “**Defendant(s)**”), and alleges as follows:

NATURE OF THE ACTION

1. Defendant is a tenant screening company that furnishes tenant screening reports to prospective landlords. Its reports include information related to an applicant's credit history, eviction history and criminal history.
2. On or about July 2021, Plaintiff submitted an application to the apartment community First Key Homes in The Woodlands, Texas.
3. In connection with Plaintiff's housing application, First Key Homes procured a background screening report on Plaintiff from Defendant.
4. Defendant disclosed criminal history belonging to another consumer with a different last name, physical description and photo identification.

5. Specifically, Defendant disclosed criminal information on Christopher Lee. Any cursory review of the report prior to disclosure would have alerted Defendant that there was no last name and no photo identification match. The name Christopher Lee is markedly different from Christopher Lee Malloy Miller. Christopher Lee is a black man with brown eyes, while Christopher Lee Malloy Miller is a white man with blue eyes.

6. It is widely known within the industry that the basic starting point of any matching procedure is an exact name.

7. Under the Fair Credit Reporting Act (“FCRA” 15 USC §1681 *et seq.*) §1681e(b), Defendant was required to use reasonable procedures to ensure the *maximum possible accuracy* of the information reported. Failing to ensure an exact name and photo identification match is a clear violation of this statute.

8. There have been numerous federal enforcement actions as well as civil actions related to background screening company’s failure to use a sufficient number of identifiers to ensure an accurate match.

9. Moreover, Defendant purchased public records information pertaining to criminal history instead of retrieving the actual underlying court records themselves for the purpose of creating and selling consumer reports to third party landlords and rental property managers.

10. Defendant did not have defined processes to verify the accuracy of the public records information provided.

11. The only time Defendant conducts any such verification is *after* a consumer dispute and the apartment is already lost.

12. Moreover, in order to cover up Defendant’s defective reporting practices, Defendant willfully and intentionally conceals the error from prospective tenants.

13. For example, pursuant to 15 U.S. Code § 1681g, Defendant was required to provide all information it currently possesses on the consumer upon written request.

14. When Plaintiff requested a copy of the original report from Defendant, Defendant failed to provide any response.

15. Plaintiff believes this to be an attempt to avoid meritorious litigation regarding Defendant's defective screening practices.

16. As a direct result of Defendant's lack of adequate matching procedures and failure to verify public records, Plaintiff was denied housing.

17. Plaintiff suffered and continues to suffer actual damages and emotional distress as a result of the denial of his housing application.

18. Accordingly, Plaintiff seeks recovery for his actual damages, including loss of housing, emotional distress, and damage to his reputation. Moreover, Plaintiff seeks statutory penalties, punitive damages, as well as attorney's fees and costs.

THE PARTIES

19. Plaintiff is an individual and resident of the County of Harris, Houston, Texas.

20. Defendant, SafeRent Solutions, LLC, is an investigative consumer reporting agency within the meaning of the FCRA 15 USC §1681a(f).

21. Defendant SafeRent Solutions, LLC is a foreign company registered to do business in Texas with the Texas Secretary of State, with its headquarters and principal place of business located in Dallas County, Texas, and may be served through its registered agent Corporation Service Company d/b/a CSC Lawyers Incorporating Service Company, at such agent's designated address in record with the Texas Secretary of State, 211 E. 7th Street, Suite 620, Austin, Texas 78701, or wherever it may be found.

22. Plaintiff is ignorant of the Defendants sued herein as DOES 1-10, inclusive, and

therefore sues those Defendants by such capacities when such information is ascertained through discovery.

23. Plaintiff is informed and believes and thereon alleges that each of the DOES 1-10 Defendants is responsible in some manner for the occurrences herein alleged and that Plaintiff's damages as herein alleged were proximately caused by such occurrences.

24. Plaintiff is informed and believes and thereon alleges that, at all times herein mentioned, Defendants DOES 1-10, were principals or agents of each other and of the named Defendants and in doing the things alleged in this complaint, were acting in the scope of such agency and with the permission and consent of Defendants.

**FIRST CAUSE OF ACTION
(Violation of 15 USC §1681e(b) and DOES 1-10)**

25. Plaintiff hereby incorporates by reference the allegations of each and every paragraph above.

26. Plaintiff is informed and believes and thereon alleges Defendant failed to use reasonable procedures to ensure the maximum possible accuracy of the information reported. Specifically, Defendant failed to use reasonable procedures to ensure that the reported information belonged to Plaintiff.

27. Defendant's violations entitle Plaintiff to damages pursuant to 15 USC §1681n and o including but not limited to actual and/or statutory penalties, emotional distress, damage to reputation, and attorney's fees and costs.

**SECOND CAUSE OF ACTION
(Violation of 15 USC §1681g and DOES 1-10)**

28. Plaintiff hereby incorporates by reference the allegations of each and every paragraph above. Plaintiff is informed and believes and thereon alleges Defendant failed to provide a full file in response to Plaintiff's request for information sent via certified mail to

Defendant's address located at P.O. Box 3890, Coppell, Texas 75019, which is Defendant's stated mailing address.

29. The certified mail tracking information shows that the request was "delivered" on December 9, 2021 at 7:04 am.

30. Plaintiff is informed and believes and thereon alleges Defendant failed to provide all files it maintained regarding Plaintiff upon written request.

31. Defendant's violations entitle Plaintiff to damages pursuant to 15 USC §1681n and o including but not limited to actual and/or statutory penalties, emotional distress, damage to reputation, and attorney's fees and costs.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendants, and each of them, as follows:

- a. For a declaration that Defendants' practices violate FCRA;
- b. For statutory, compensatory, special, general, and punitive damages according to proof and as applicable against all Defendants;
- c. For interest upon such damages as permitted by law;
- d. For an award of reasonable attorneys' fees provided by law under all applicable statutes;
- e. For the costs of the lawsuit;
- f. For injunctive relief as applicable; and
- g. For such other orders of the Court and further relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiff hereby requests and demands a jury trial on all issues triable by jury.

DATED: July 6th, 2023

Respectfully Submitted,

/s/ James Crewse

James Crewse
Texas Bar No. 24045722
CREWSE LAW FIRM, PLLC
5919 Vanderbilt Ave.
Dallas, Texas 75206
Phone: (214) 394-2856
jcrewse@crewselawfirm.com

Local Counsel

- and -

Devin H. Fok (*Pro Hac Vice Motion forthcoming*)
California Bar No. 256599
DHF LAW, P.C.
2304 Huntington Dr., Suite 210
San Marino, CA 91108
Phone: (888) 651-6411
Fax: (818) 484-2023
devin@devinfoklaw.com

Lead Counsel for Plaintiff